

## MINUTES

The Town of Manteo Board of Commissioners held their recessed meeting on November 18, 2020 at Town Hall, 407 Budleigh Street, Manteo, NC and via teleconference.

The following members were present:

Mayor Bobby Owens  
Mayor Pro-Tem Betty Selby (5:02pm)  
Commissioner Christine Walker  
Commissioner Darrell Collins  
Commissioner Jason Borland  
Commissioner Eddie Mann

The following members were absent:

Commissioner Richie Burke

Also present at the meeting were:

Town Manager James Ayers  
IT Director Carl Woody  
Town Planner Melissa Dickerson  
Town Clerk Becky Breiholz

Mayor Owens called the recessed meeting to order at 5:00 pm and Mr. Ayers did a roll call: Mayor Bobby Owens-present/remote; Mayor Pro Temp Selby-present/remote; Commissioner Borland-present; Commissioner Mann-present; Commissioner Collins-present/remote; Commission Walker-present/remote.

**PRESENTATIONS & REPORTS**

**Introduction of New Employees**-Town Manager James Ayers introduced two new employees Dustin Leary with Public Works, general maintenance and Cameron Morris with Water and Sewer, utility maintenance.

**Department Head Reports** -The Department Head written reports were given to the Board and are available on our website at [manteonc.gov](http://manteonc.gov) for the general public to review. A special presentation from the Manteo Police Department (PD) was shown to the Board and will be posted on the Town's social media and Current TV. Investigator Doug Moore has had the opportunity to attend Drug Enforcement Agency (DEA) academy on Clandestine Laboratories and how to safely handle if one ever is present in Town. Board members thanked all departments for their hard work.

**PUBLIC COMMENT**

*Members of the public are invited to address the Board of Commissioners on any topic. Public Comment is not intended to require the Board to answer any impromptu questions or to take any action on items brought up during the public comment period. Speakers will address all the comments to the Board as a whole and not one individual Commissioner. Discussions between speakers and members of the audience will not be allowed. Time limits are 3 minutes per person or 5 minutes per group. Please identify yourself and location so that your statements can be recorded.*

Andrian "Sweetpea" Tillett-Manteo. She is very active in getting the citizens outside for exercise and there is a walking group that walks at 5:00 am. Due to the non-maintenance of the sidewalks with crabgrass and overgrowth they have had several falls over the years and would like the sidewalks edged out. They have had to go to other areas to do their walking because of the sidewalks in Town

and the bad condition they are in. She does not know if it is the Town's responsibility or NCDOT but would like the Town to get help on fixing those sidewalks and have this issue resolved.

## **OLD BUSINESS**

**Zoning Text amendment 2020-07Z to regulate boats lifts-** The Town of Manteo Planning & Zoning Board reviewed changes to Section 12-7 of the Town's Zoning Ordinance at their meeting on September 8, 2020. The Planning & Zoning Board recommended to the Board of Commissioners that they adopt text changes and a consistency statement for the regulation of boat lifts.

In accordance with State statute and Town ordinance, the Board of Commissioners held a public hearing on the proposed zoning text amendment at their meeting on November 4, 2020. No comments were received from the public during that hearing. In accordance with recent changes to State law, the public was allowed to submit written comments up to 24 hours following the public hearing. No written comments were received during this period.

The proposed Zoning Text Amendment 2020-07Z is attached for reference purposes.

**MOTION:** Commissioner Mann seconded by Commissioner Borland to approve the text amendment 2020-07Z as presented was approved by the following roll call vote: Ayes: Commissioners Collins, Mann, Walker, Borland, and Selby. Nays: None. Absent: Burke

**Zoning Text amendment 2020-08Z to update provisions applicable to College, University and Community College Campuses** The Town of Manteo Planning & Zoning Board reviewed changes to Section 8-2, Section 14-3, Section 8-6, Section 18-6, and Section 18-9 of the Town's Zoning Ordinance at their meeting on October 13, 2020. The Planning & Zoning Board recommended to the Board of Commissioners that they adopt text changes and a consistency statement related to colleges, universities, and community colleges.

In accordance with State statute and Town ordinance, the Board of Commissioners held a public hearing on the proposed zoning text amendment at their meeting on November 4, 2020. No comments were received from the public during that hearing. In accordance with recent changes to State law, the public was allowed to submit written comments up to 24 hours following the public hearing. No written comments were received during this period.

The proposed Zoning Text Amendment 2020-08Z is attached for reference purposes.

**MOTION:** Commissioner Mann seconded by Mayor Pro Temp Selby to approve the text amendment 2020-08Z as presented was approved by the following roll call vote: Ayes: Commissioners Collins, Mann, Walker, Borland, and Selby. Nays: None. Absent: Burke.

## **MAYOR/COMMISSIONER COMMENTS**

Commissioner Walker would like the Town to do whatever we can to get those sidewalks cleaned up and keep it safe out there for people who want to exercise.

Commissioner Collins-asked about the Town Commons and Mr. Ayers reported that they have had their first construction meeting and construction started weeks ago; lighting fixtures and materials

have been ordered. The goal is to have the parking lot done by February and the park area by April, he will keep the Board updated.

Commissioner Borland commented that the Christmas decorating has started, and it is more important than ever. He also would like something done about the sidewalks and since they are building the new COA that this would be an opportunity to clean that up and worth the conversation.

Commissioner Mann-thanked the Public Works for the safe and efficient way they put up the Christmas decorations.

Mayor Pro Temp Selby-would also like something done about the sidewalks and appreciates Public Works and Water and Sewer for all their hard work. She welcomed the new employees.

Mayor Owens asked Mr. Ayers to contact NCDOT regarding the sidewalks and see what can be done.

Commissioner Collins asked about the Christmas parade and Mr. Ayers commented because of COVID the parade, tree lighting and New Year's Eve have been cancelled because of the crowd gathering restrictions, but the Town is doing holiday activities for businesses and residents to participate in. Also, with the help of Roanoke Island Fire Department Santa will be visiting neighborhoods throughout Town, they will be doing a letter to Santa mailbox and a food drive. The Town is doing things to promote the holiday spirit.

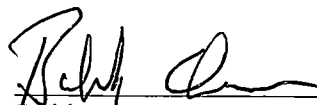
Commissioner Borland commented that we are doing a great job of getting the information out about Christmas and asked that a simple graphic be done so that the information not be so wordy. Mr. Ayers commented we will find a way to spread the word.

There being no further business to come before the Board or other persons to be heard a motion was made by Mayor Pro Temp Selby and seconded by Walker the meeting was adjourned at 5:37 pm was approved by the following roll call vote: Ayes: Ayes: Mayor Pro Temp Selby, Commissioners Mann, Borland, Collins and Walker. Nays: None. Absent: Burke.

This the 18<sup>th</sup> day of November 2020

ATTEST:

  
Betty Breeland, Town Clerk

  
Bobby Owens, Mayor





**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE TOWN OF MANTEO, NORTH CAROLINA TO REGULATE BOAT  
LIFTS  
(ZTA 2020-07Z)**

**ARTICLE I. Purpose(s) and Authority.**

**WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town of Manteo (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land. Pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has also codified other ordinance provisions Town in the Town's Code of Ordinances (the "Town Code"); and

**WHEREAS**, pursuant to N.C.G.S. § 160A-174, the Town may enact and amend ordinances which define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the city, and may define and abate nuisances within its jurisdiction; and

**WHEREAS**, the Town desires to regulate boat lifts and similar devices; and

**WHEREAS**, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Town's Zoning Ordinance and Town Code of Ordinances as stated below.

**ARTICLE II. Construction.**

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

**ARTICLE III. Amendment of Zoning Ordinance**

NOW, THEREFORE, BE IT ORDAINED by the Town Board of Commissioners of the Town of Manteo, North Carolina, that the Town's Zoning Ordinance be amended as follows:

**PART I.** That **Sec. 12-7** of the Zoning Ordinance, Town of Manteo, North Carolina, is hereby amended to read as follows:

...

(d) Boat lifts. Where boat lifts are of a proposed development the following must be provided:

(1) Boat lifts, and similar devices, are prohibited and may not be attached to waterfront boardwalks adjacent to Shallowbag Bay, which are owned by the Town of Manteo or a dedicated public easement, from the Cora Mae Daniels Basnight Bridge to Marshes Light Marina at bulkhead (point L21) referenced the plat recorded in the Dare County Public Registry at Plat Cabinet G, Slide 34

(2) Boats should be removed from boat lifts within 24 hours of expected arrival a named storm.

(3) Boat lifts shall only be installed to accommodate boats 28 feet or less in length.

**ARTICLE IV. Statement of Consistency with Comprehensive Plan and Reasonableness.**

The Town's adoption of this ordinance amendment is consistent with the Town's adopted comprehensive zoning ordinance, land use plan and any other officially adopted plan that is applicable. For all of the above-stated reasons and any additional reasons supporting the Town's adoption of this ordinance amendment, the Town considers the adoption of this ordinance amendment to be reasonable and in the public interest.

**ARTICLE V. Severability.**

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the Town of Manteo, North Carolina which shall remain in full force and effect.

**ARTICLE VI. Effective Date.**

This ordinance amendment shall be in full force and effect from and after the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

NOV 18 2020

14

Bobby Owens  
Bobby Owens, Mayor

1  
2 ATTEST:

Becky Breiholz  
3 Becky Breiholz, Town Clerk

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5 Date adopted: 11/18/20

6 Motion to adopt by Commissioner Mann

7 Motion seconded by Commissioner Borland

8 Vote: 5 AYES 0 NAYS

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3       **AN ORDINANCE AMENDING THE ZONING ORDINANCE**  
4       **OF THE TOWN OF MANTEO, NORTH CAROLINA TO UPDATE PROVISIONS**  
5       **APPLICABLE TO THE COLLEGE, UNIVERSITY, AND COMMUNITY**  
6       **COLLEGE CAMPUSES**  
7       **(ZTA 2020-08Z)**  
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9       **ARTICLE I. Purpose(s) and Authority.**  
10

11       **WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town of Manteo (the "Town")  
12 may enact and amend ordinances regulating the zoning and development of land within its  
13 jurisdiction and specifically the location and use of buildings, structures and land. Pursuant  
14 to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et.  
15 seq, the Town has adopted a comprehensive zoning ordinance (the "Town's Zoning  
16 Ordinance") and has also codified other ordinance provisions Town in the Town's Code of  
17 Ordinances (the "Town Code"); and  
18

19       **WHEREAS**, pursuant to N.C.G.S. § 160A-174, the Town may enact and amend  
20 ordinances which define, prohibit, regulate, or abate acts, omissions, or conditions,  
21 detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the  
22 city, and may define and abate nuisances within its jurisdiction; and  
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24       **WHEREAS**, due to the limited historical application of regulations to college,  
25 university and community college campuses the Town's Zoning Ordinance has become  
26 outdated or places unnecessary restrictions upon such uses. Therefore, the Zoning  
27 Ordinance should be amended to provide reasonable accommodations which will allow for  
28 the modernization and improvement of the existing campuses within the Town's  
29 jurisdiction while honoring the traditional aesthetic of the Town; and  
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31       **WHEREAS**, the Town further finds that in accordance with the findings above it  
32 is in the interest of and not contrary to the public's health, safety, morals and general  
33 welfare for the Town to amend the Town's Zoning Ordinance and Town Code of  
34 Ordinances as stated below.  
35

36       **ARTICLE II. Construction.**  
37

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

### ARTICLE III. Amendment of Zoning Ordinance

NOW, THEREFORE, BE IT ORDAINED by the Town Board of Commissioners of the Town of Manteo, North Carolina, that the Town's Zoning Ordinance be amended as follows:

**PART I.** That **Sec. 8-2(h)** of the Zoning Ordinance, Town of Manteo, North Carolina, is hereby amended to read as follows:

(h) Maximum square footage: Shall not exceed 20,000 square feet of total building area (this does not include schools, colleges, universities, community colleges, churches, or government buildings), whether on one floor or multiple floors, including porches, decks, and accessory uses under one roof except any building and its use existing on or before June 2002 shall be grandfathered and allowed to remain and/or be rebuilt at the pre-existing square footage provided the new structure meets other applicable zoning requirements. Separate buildings may not be connected when the total square footage of the connected structures exceeds 20,000 square feet. Separate buildings shall be separated by at least 20 feet.

**PART II.** That **Sec. 14-3(12)** of the Zoning Ordinance, Town of Manteo, North Carolina, is hereby amended to read as follows:

12	Colleges, universities, community colleges, (including associated facilities	One space for each <del>150185</del> square feet of gross floor area, including associate buildings per office plus 7 spaces per classroom plus 1 space per 4 seats in lecture hall (may be adjusted during the conditional use permit process)
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**PART III.** That **Sec. 8-6** of the Zoning Ordinance, Town of Manteo, North Carolina, is hereby amended to read as follows:

(d) Colleges, Universities and Community Colleges: Site design for Colleges, Universities and Community Colleges shall refer to the Guideline and the remainder of this section except for the following matters:



- (i) Exterior brick foundations need not be red brick if the remainder of the structure is a modern interpretation of Outer Banks building materials such as horizontal siding and the same materials need not be used on all sides of the building.
- (ii) Buildings may exceed 20,000 square feet.
- (iii) Parking may be provided between the front of the building or campus and the street, and the building need not front a public right-of-way.
- (iv) Building façade materials may be scaled to the size of the building or a maximum of an eight (8) foot dimension.
- (v) Parking areas need not be permeable pavement.

**PART IV.** That **Sec. 18-6(n)** of the Zoning Ordinance, Town of Manteo, North Carolina, is hereby amended to read as follows:

(n) Banners used in lieu of permitted signs for longer than two weeks are prohibited unless such banners are attached to the light poles at the limits of the area of a college, university or community college campus.

**PART V.** That **Sec. 18-9(a) (8)** of the Zoning Ordinance, Town of Manteo, North Carolina, is hereby amended to read as follows:

(8) College, university or community college campuses may have one (1) sign consisting of a brick wall or other structure consistent with the architecture of the site and of appropriate size to accommodate 150 square feet of sign area. The structure of the sign shall be designed by a licensed professional engineer. Although the sign or its letters may have backlighting, such sign may not be lighted from an internal source and may not protrude from the associated structure more than six (6) inches. Notwithstanding anything to the contrary herein, other signs may be placed at the campus entry points in accordance with the existing Zoning Ordinance.

#### **ARTICLE IV. Statement of Consistency with Comprehensive Plan and Reasonableness.**

The Town's adoption of this ordinance amendment is consistent with the Town's adopted comprehensive zoning ordinance, land use plan and any other officially adopted plan that is applicable. For all of the above-stated reasons and any additional reasons supporting the Town's adoption of this ordinance amendment, the Town considers the adoption of this ordinance amendment to be reasonable and in the public interest.

#### **ARTICLE V. Severability.**

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining

provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the Town of Manteo, North Carolina which shall remain in full force and effect.

**ARTICLE VI. Effective Date.**

This ordinance amendment shall be in full force and effect from and after the 18<sup>th</sup> day of November, 2020.

Bobby Owens  
Bobby Owens, Mayor

ATTEST:

Becky Breiholz  
Becky Breiholz, Town Clerk

Date adopted: 11/18/20

Motion to adopt by Commissioner Mann

Motion seconded by Commissioner Selby

Vote: 5 AYES 0 NAYS

